Genetic Abnormality Is Basis for Acquittal

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By Stuart Auerbach
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A laborer was acquitted of murder in Australia yesterday because of a genetic abnormality that tends to make men "born criminals."

"As far as I know this is the first time a man has been acquitted on a murder charge because of his chromosome construction," said Dr. Digamber S. Borgaonkar, the head of the chromosome laboratory at Johns Hopkins University, who has been studying the relationship between genetics and crime.

The Australian laborer, Edward Hannell, 21, has an extra "Y," or male, sex chromosome. Chromosomes are the thread-like strands in each body cell that contain the genes that determine a person's heredity. Medical testimony on Hannell's defective chromosomes helped to convince the Melbourne Criminal Court jury that he was legally insane.

The case could have worldwide importance for both scientists and lawyers. Geneti-

CHROMOSOME, A17, Col. 4

Chromosome Key Factor In Acquittal

CHROMOSOME, From A1

cists believe that as many as one man in every 300 may have this genetic abnormality.

Among them is Richard F. Speck, the convicted killer of eight Chicago nurses, who might appeal his death sentence because of the extra "Y" chromosomes. Daniel Hugon, the accused killer of a Paris prostitute, also has an extra "Y" chromosome and a French court is investigating the case to see if he was responsible for the killing.

The sex chromosome composition of a normal male is "XY" with the X, or female, chromosome coming from the mother and the "Y," or male, chromosome coming from the father. Females have an "XX" chromosome makeup, with Xs coming from mother and father.

Dr. Alan Bartholomew, prison psychiatrist for the Victoria state government, testified in Melbourne that Hannell suffers from "super maleness" with an "XYY" sex chromosome count.

"This is abnormal. Every cell in his brain is abnormal," the Associated Press quoted Bartholomew as saying.

The psychiatrist added that Hannell was insane at the time he was accused of stabbing to death Mary Redfern, a 77-year-old widow, in the Melbourne suburb of Brunswick in March, 1967. Hannell pleaded innocent to the charge. Bartholomew was his only defense witness.

It was the first time that chromosome abnormality was used as a defense in an Australian court.

During the past five years, about 100 "XYY" males have been found in jails and mental hospitals around the world. These men are usually tall, antisocial, aggressive and have been in trouble since childhood.

Not all men with "XYY" chromosomes are social misfits, however.

Borgaonkar and Dr. Victor A. McKusick, the head of medical genetics at Johns Hopkins, have found five "XYY" cases in Maryland prisons and psychiatric institutions.

In Australia, Bartholomew tested 34 men in a Melbourne prison and found four with the extra "Y" chromosome. Two had been convicted of murder, one of attempted murder and one of attempted larceny.

"There certainly seems to be very good evidence to say that the "XYY" chromosome count does indeed play a role in a person's behavior," said Borgaonkar in a telephone interview.